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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
STEFAN N. W. KIRKEBY,  
  
Defendant.

CASE NO. 1:22-CR-00228-JLT-SKO  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: February 6, 2023  
TIME: 10:00 a.m.  
COURT: Hon. Jennifer L. Thurston

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for change of plea on February 6, 2023.
2. By this stipulation, defendant and government now move to continue the change of plea hearing until February 21, 2023, and to exclude time between February 6, 2023, and February 21, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
  - a) The government has provided initial discovery to newly retained counsel and has additional discovery to process for production. The government has received and reviewed supplemental discovery in the form of body worn camera recordings.
  - b) Counsel for defendant and the government have reached a resolution in this

1 matter. The Court is not available to hear the matter until February 21, 2023.

2 c) The defendant agrees and stipulates that time should be excluded for the  
3 aforementioned reasons.

4 d) Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7 e) Based on the above-stated findings, the ends of justice served by continuing the  
8 case as requested outweigh the interest of the public and the defendants in a trial within the  
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
11 et seq., within which trial must commence, the time period of February 6, 2023 to February 21,  
12 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
13 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
14 of the Court's finding that the ends of justice served by taking such action outweigh the best  
15 interest of the public and the defendant in a speedy trial.

16 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
17 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
18 must commence.

19 IT IS SO STIPULATED.

20 Dated: February 3, 2023

PHILLIP A. TALBERT  
United States Attorney

21  
22 /s/ LAUREL J. MONTOYA  
23 LAUREL J. MONTOYA  
Assistant United States Attorney

24  
25  
26 Dated: February 3, 2023

/s/ CHRISTOPHER CANNON  
CHRISTOPHER CANNON  
Counsel for Defendant  
STEFAN N. W. KIRKEBY

**FINDINGS AND ORDER**

IT IS SO FOUND.

IT IS SO ORDERED.

Dated: **February 8, 2023**

  
UNITED STATES DISTRICT JUDGE